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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,382	04/12/2004	Varouj Amirkhonian	1031/236	3367
26588	7590	01/18/2008		
LIU & LIU 444 S. FLOWER STREET SUITE 1750 LOS ANGELES, CA 90071				
			EXAMINER RAMDHANIE, BOBBY	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 01/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,382

Applicant(s)

AMIRKHANIAN ET AL.

Examiner

Bobby Ramdhanie, Ph.D.

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/06/2004, 07/15/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's election with traverse of Group I, Claims 1-18 in the reply filed on 12/21/2007 is acknowledged. The traversal is on the ground(s) that the Applicant argues they do not understand the difference between what a combination and subcombination, and when a restriction is proper. This is not found persuasive because MPEP Chapter 800 can direct applicants to when a restriction is proper. In the instant case, the interface mechanism of Claim 19 is not the exact same interface mechanism as in Claim 1 (the particulars of the interface mechanism are not the same in both Claims 1 and 19). Furthermore, the interface mechanism as claimed in Claims 1-18, has a separate utility and is not novel to the system as in Claims 19-20. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dovichi et al (US5415841). Regarding Claim 1, Dovichi et al teaches an interface mechanism for interfacing at least an associated component of a capillary cartridge to at least an external component that makes available a support element required by a bio-analytical

process for a bio-sample, comprising: A). A support structure supporting the cartridge in relation to the external component (Figure 1; Item 22 or Item 14); B) At least one biasing device supported by the support structure (Figure 1 Item 24), the biasing device supporting and biasing the external component against the associated component of the capillary cartridge, thereby making the support element available to the cartridge to conduct the bio-analytical process (Figure 1 Item 24 or 26). Examiner takes the position that an external component is anything that connects to either side of the capillary.

4. For Claim 2, Dovichi et al teaches the interface mechanism as in claim 1, wherein the biasing device comprises a compliant member supporting and biasing the external component against the associated component of the capillary cartridge when the capillary cartridge is supported by the support structure (Figure 1 Items 22, 24, & 26).

5. For Claim 3, Dovichi et al teaches the interface mechanism as in claim 2, wherein external component makes available incident radiation (Figure 1 Item 14 and Item 16).

6. For Claim 4, Dovichi et al teaches the interface mechanism as in claim 1, wherein the biasing device comprises an actuator operatively coupled to the external component (Figure 1 Item 22).

7. For Claim 5, Dovichi et al teaches the interface mechanism as in claim 4, wherein the actuator comprises at least one of a pneumatic actuator, a electro-mechanical actuator, and a mechanical actuator (Figure 1 Item 22, & Column 3 lines 58-59).

8. For Claim 6, Dovichi et al teaches the interface mechanism as in claim 5, further comprising a source of compressed gas operatively coupled to the pneumatic actuator (Column 3 line 65 to Column 4 line 1).

9. For Claim 7, Dovichi et al teaches the interface mechanism as in claim 5, wherein the actuator further comprises a compliant member biasing the external component against the associated component of the capillary cartridge (Figure 1 Item 24)

10. For Claim 8, Dovichi et al teaches the interface mechanism as in claim 1, wherein the external component is associated with a support element comprising at least one of electrical power, a pressurized gas, incident radiation, detection optics (Figure 1 Items 24, Ar, 76, and 78).

11. For Claim 9, Dovichi et al teaches the interface mechanism as in claim 1, wherein the capillary cartridge comprises multiple separation channels, and wherein the support structure supports the capillary cartridge in relation to a plurality of external components, wherein each external component is associated with a support element, and at least one external component being associated with each separation channel (Figure 1, Item 32). Examiner takes the position that fused silica inherently has multiple separation channels.

12. For Claim 10, Dovichi et al teaches the interface mechanism as in claim 9, wherein the support element associated with each external component comprises at least one of electrical power, a pressurized gas, excitation radiation, detection optics (Figure 1).

13. For Claim 11, Dovichi et al teaches the interface mechanism as in claim 9, wherein a plurality of external components are associated with each separation channel, the plurality of external components are associated with a plurality of support elements, including at least electrical power, a pressurized gas, incident radiation and detection optics for each separation channel (Figure 1). Examiner takes the position since the fused silica is one capillary, all of the channels are connected to the electrical power, a pressurized gas, incident radiation and detection optics for each separation channel.

14. For Claim 12, Dovichi et al teaches the interface mechanism as in claim 9, wherein at least one support element is made available by an external component that is separate from other external components associated with similar support element made available to other separation channels (Figure 1, Ar).

15. For Claim 13, Dovichi et al teaches the interface mechanism as in claim 12, wherein the external component makes available to the associated component of the capillary cartridge, at least one of incident radiation, detection optics, and electrical power (Figure 1).

16. For Claim 14, Dovichi et al teaches the interface mechanism as in claim 9, wherein at least one of the plurality of external components is associated with an associated component of the capillary cartridge which is common to the plurality of separation channels (Figure 1).

17. For Claim 15, Dovichi et al teaches the interface mechanism as in claim 14, wherein said at least one external component makes available to the associated

component of the capillary cartridge, at least one of a high voltage and a pressurized gas (Figure 1 Item Ar and Item 64).

18. For Claim 16, Dovichi et al teaches the interface mechanism as in claim 1, wherein the support structure comprises a location device and an actuator that biases the location device against the capillary cartridge to positively position the capillary cartridge in relation to the external component (Figure 1 Item 76 and 78).

19. For Claim 17, Dovichi et al teaches the interface mechanism as in claim 16, wherein the interface mechanism further comprises a controller controlling operation of the biasing device and the location device, wherein the controller is configured to activate the location device to positively position the capillary cartridge prior to activating the biasing device to bias the external device against the associated component of the capillary cartridge (Column 7 lines 60-64). Examiner takes the position that the personal computer would be able to perform the functions of the instant claim.

20. For Claim 18, Dovichi et al teaches the interface mechanism as in claim 1, wherein the support structure is provided with a cooling conduit operatively coupled to the capillary cartridge to direct cooling air to the capillary cartridge (Column 5 lines 49-55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bobby Ramdhanie, Ph.D. whose telephone number is 571-270-3240. The examiner can normally be reached on Mon-Fri 8-5 (Alt Fri off).

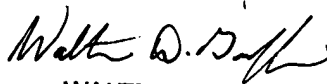
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BR


WALTER D. GRIFFIN
SUPERVISORY PATENT EXAMINER